

Application Serial No. 10/687,888
Amendment dated September 21, 2004
Reply to Office Action dated August 17, 2004

REMARKS

Claims 1-10 are pending in the present application. Claims 1-10 have been rejected. Claim 1 has been amended. It is believed that the present amendment puts this application, including claims 1-10, in condition for allowance.

Specification

The Examiner has objected to the title of the invention as not being descriptive. In response, Applicants have amended the title to "Timer Motor Having A Split Geartrain Extending Through The Stator Plate" in order to make the title more indicative of the invention to which the claims are directed.

Inventorship

The Examiner states that the Applicants are required to file a statement requesting the deletion of the name of the inventor Robert G. Sokalski, as required under 37 C.F.R. § 1.63(d)(2). Applicants direct the Examiner's attention to the attached corrected filing receipt, which lists only Daniel Keith Amonett and Donald Eugene Smith as inventors on the present application. Robert G. Sokalski is not listed as an inventor.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by Müller (U.S. Patent No. 4,426,158). In view of the claims as presently amended, Applicants respectfully disagree.

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Applicants note that claim 1 of the present invention has been presently amended to recite that the geartrain includes meshing gears and gearshafts positioned on both opposite sides of the stator plate with "at least one gear or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate." Support for this amendment may be found with reference to at least to Fig. 2A of the present application. There, it can be seen that the geartrain of the present application includes a splined shaft 74 and a splined socket 78 on gear 80, which are adapted to engage one another through the stator plate (see also Fig. 2B of the present application). Applicants submit that Müller does not disclose such a two-piece connection of a geartrain through a stator plate. In particular, the Examiner has pointed to the spindle 44 and wheel 46 of Müller as showing such a two-piece connection. As can be seen from Fig. 2B of Müller, the geartrain therein includes a wheel 46 including a spindle 44 that is disposed through a bore 40 in the stator 2. However, the wheel 46 and the spindle 44, which are used to connect the geartrain, are each a single integral piece. The shaft is not two pieces or the gear is not two pieces, as is required by presently amended claim 1. Thus, Applicants submit that claim 1 as presently amended is not anticipated by Müller, and therefore respectfully request a withdrawal of the rejection of claim 1 over Müller. Applicants further submit that each of claims 2, 9, and 10 ultimately depend from claim 1. Since claim 1 is not anticipated by Müller, Applicants respectfully submit that neither are dependent claims 2, 9, and 10

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anticipated by Müller, and respectfully request a withdrawal of the rejection of claims 2, 9, and 10.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable over the Müller in view of Horbach (U.S. Patent No. 3,215,964).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claims 3-5 each ultimately depend from independent claim 1, and thus incorporate the limitations of that claim. At least for the reasons discussed above, Müller does not teach or suggest each and every element of presently amended claim 1. Further, it is submitted that Horbach fails to teach the elements of claim 1 that are missing in Müller. More specifically, Applicants submit that, like Müller, Horbach does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate," as presently recited in amended claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the two references, it is submitted that any combination of Müller and Horbach does not show each and every element of claim 3-5, as those claims are ultimately dependent on claim 1. Accordingly, withdrawal of the obviousness rejection of claims 3-5 is requested.

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The Examiner has also rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Müller in view of Plancon (U.S. Patent No. 4,888,507).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claims 6-8 each ultimately depend from independent claim 1, and thus incorporate the limitations of that claim. At least for the reasons discussed above, Müller does not teach or suggest each and every element of presently amended claim 1. Further, it is submitted that Plancon fails to teach the elements of claim 1 that are missing in Müller. More specifically, Applicants submit that, like Müller, Plancon does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate," as presently recited in amended claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the two references, it is submitted that any combination of Müller and Plancon does not show each and every element of claim 6-8, as those claims are ultimately dependent on claim 1. Accordingly, withdrawal of the obviousness rejection of claims 6-8 is requested.

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Conclusion

For the foregoing reasons, it is submitted that this application is now in condition for allowance.

It is believed that no fee is due with this submission. If any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 

David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)
djefferies@whepatent.com (email)